

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 04/2021)

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF TEXAS
Houston DIVISION

United States Courts
Southern District of Texas
FILED

DEC 19 2022

Miss Kelly Elaine Slayton SPN#03078865

Plaintiff's Name and ID Number

Nathan Oehner, Clerk of Court

Harris County Jail 1200 Baker ST. Cell: JA09-4A2B

Place of Confinement 77002-1206

CASE NO.

(Clerk will assign the number)

v. Detention Officer Ryan Nguyen
1200 Baker Street, Houston, TX 77002-1206

Defendant's Name and Address

District Attorney Kim Ogg
201 Caroline, Houston, TX 77002

Defendant's Name and Address

Harris County Sheriff's Office
1200 Baker Street, Houston, Texas 77002

Defendant's Name and Address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$52.00 for a total fee of \$402.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$52.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES NO
(See also attached)

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: October 28, 2022
2. Parties to previous lawsuit:
Plaintiff(s) Miss Kelly Elaine Slayton
Defendant(s) Joshua Bernard Grace, et al.
3. Court: (If federal, name the district; if state, name the county.) Southern District
4. Cause number: 4:21-cv-3603
5. Name of judge to whom case was assigned: Judge Lee H. Rosenthal
6. Disposition: (Was the case dismissed, appealed, still pending?) Pending Appeal 5th Cir.
7. Approximate date of disposition: December 19, 2022

II. PLACE OF PRESENT CONFINEMENT: Harris County Jail in Houston, Texas

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Miss - Kelly Elaine Slayton SPN#03078865
Harris County Jail - 1200 Baker St. Cell: JA09-4A2B
Houston, Texas 77002-1206

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Detention Officer Ryan Nguyen
1200 Baker Street, Houston, Texas 77002-1206

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He sexually harassed me / made sexual advances / sexual comments, gave me contraband for sexual acts, made physical threats to have me jumped.

Defendant #2: District Attorney Kim Ogg
201 Caroline, Houston, Texas 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

She unlawfully hasn't pursued charges on Nguyen, and lies to cover her tracks.

Defendant #3: Harris County Sheriff's Office
1200 Baker Street, Houston, Texas 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

After an entire year and two months of sexual staff misconduct, I nearly lost my life, my sanity, and they just thought it was funny!!

Defendant #4: Texas Jail Commission on Standards
P.O. Box 12985, Austin, Texas 78711-2985

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

I wrote them over and over for months ongoing abuse. They didn't respond or investigate within a reasonable time or PWD to TX Dept. of Criminal Justice.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

I have been illegally detained without due process and repeatedly subjected to physical assaults, sexual misconduct, sexual passes by Employee Ryan Nguyen as my detention officer out of MANY others not yet caught, I laughed at and mocked by Harris County Sheriff's Department Sergeants when I reported over 9 years worth of continuous PREA acts subjected to me by Jail Detention Officers, Sergeants, and Inmates to name a few. After 3 months they deleted cameras footage, the more I grieved to the Texas Jail Commission, Jail grievances, or wrote my appointed counsel the more I was jumped bloody. D.A. Kim does

VI. RELIEF: has a reputation to hold innocent defendants and let repeat offenders go to get more funding and jail expansion. She doesn't state briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or do her statutes.

I want a pretrial detainee release to Austin based walk in job! rehabilitation center called CeriKor with witness protection tracking, along with \$2.2 million restitution for punitive and collateral damages from each defendant. Since I hear them brag that they don't care

VII. GENERAL BACKGROUND INFORMATION: if they lose their jobs they are wealthy.

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Kelly Elaine Slayton, Kelly Elaine Clark, Emily Parsons, Daisy.

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

SPN #03078865

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

Executed on: 12/12/2022
DATE

Miss Kelly Elaine Slayton
Miss Kelly Elaine Slayton
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 12th day of December, 20 22.
(Day) (month) (year)

Miss Kelly Elaine Slayton
Miss Kelly Elaine Slayton
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Houston Division

ADDRESS, HOURS, SECURITY and ELECTRONIC DEVICE POLICY

Location:

United States Courthouse
515 Rusk Avenue
Houston, TX 77002

Correspondence:

David J. Bradley
Clerk of Court
P. O. Box 61010
Houston, TX 77208

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Additional Exhibit:

To further aid my allegation I would like to add, but not limit my evidence to SPREA 115.73 Reporting to inmates

Grievance #47756, HC 221110081 on 12/06/2022 being forwarded to Internal

Affairs for further investigation. The case has been investigated and counseling was offered in accordance with federal PREA

Standards. 12/06/2022. It is now

12/02/2022 and I have yet to see

the counseling services offered that I desperately need and accepted.

"Complainant Inmate: Kelly Slayton,"

"1.) Charge: None 2.) Statement of nature of incident/problem: 'Inmate Slayton alleged Detention Officer Nguyen made sexual inappropriate comments, provided her a glove with cologne on it, and provided his personal media account user name.'

"3.) Summary of findings: 'While investigating this case I learned from Detention Officer that he did in fact spray cologne on a glove and provide it to Inmate Slayton. Detention officer Nguyen also advised

the social media account belonged to him.'

"4.) Disciplinary / corrective action: Pending Investigation.'

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Camacho is the PREA supervisor

Phone # (346) 286-2785

Witness(es): Megan Cox Ph# (713) 922-0924

Other Cases Pending and Closed:

- 1.) 4:21-CV-03596
- 2.) 4:21-CV-03598
- 3.) 4:21-CV-03603
- 4.) 4:21-CV-03639
- 5.) 4:22-CV-02572
- 6.) 4:21-CV-02553

(I have witnesses on multiple counts of what I've reported)
Per this 851983 Prisoner Civil Rights

Litigation it States that if my life is in imminent danger and/or my safety at risk of harm or wellbeing. I was brutally jumped - 06/10/2022 and again 09/09/2022 to name only the two out of many off the top off my head. I wasn't given medical treatment, the racist Detention officers who hate white people never did a report or separated those people as keep separates. I was bloody, bruised, and battered from head to toe. Some as a result of jail sexual misconduct, same as a result of attorney sexual misconduct, and inmate-staff relations so forth. I laid on the floor for days expecting to die!!

HARRIS COUNTY SHERIFF'S OFFICE JAIL

Name Kelly Elaine Slayton-Hab
SPN 03078865 Cell 5A09
Street 1200 Baker St.

HOUSTON, TEXAS 77002-1200

JKeeffe
Commissary Network

United States Courts
Southern District of Texas
FILED

DEC 19 2022

United States District Court
Southern District of Texas
P.O. Box 61010
Houston, Texas
U.S.A.

INDIGENT

77002-1200

US POSTAGE *MATTNEY BOWES*
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